

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

EFRAIN FERNANDEZ,

Defendant.

AFFIRMATION

22 Mag. 03949

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

BENJAMIN KLEIN, under penalty of perjury, hereby affirms as follows:

1. I am an Assistant United States Attorney in the Southern District of New York. I submit this affirmation in support of an application for a third order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

EFRAIN FERNANDEZ the defendant, was charged with violations of 21 U.S.C. §§ 846, 841(b)(1)(A), 841(b)(1)(B), in a complaint dated May 3, 2022. The defendant was presented before Magistrate Judge Paul E. Davison on May 3, 2022, and the defendant was detained.

Matthew Galluzzo, Esq., attorney for the defendant, has since been engaging in preliminary discussions with the Government concerning a possible disposition of this case without trial, and those discussions are ongoing. The Government hereby requests that a continuance of 28 days be granted, during which time we may pursue further discussions.

2. On or about July 15, 2022, Mr. Galluzzo, counsel for the defendant, agreed by e-mail on behalf of the defendant that the requested continuance of 28 days is appropriate in these circumstances.

3. For the reasons stated above, the ends of justice served by the granting of the continuance requested outweigh the best interests of the public and defendant in a speedy trial.

4. Pursuant to Title 28, United States Code, Section 1746, I declare under penalties of perjury that the foregoing is true and correct.

Executed on July 15, 2022.

  
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BENJAMIN KLEIN  
Assistant United States Attorney